




Letter of Direction #40

Date: November 16, 2024

To: Turquoise Care Managed Care Organizations

From: Dana Flannery, Director, Medical Assistance Division 

Subject: Non-Emergency Medical Transportation (NEMT) Guidance

Title: NEMT Guidance

This Letter of Direction (LOD) is to provide the Turquoise Care Managed Care Organization (MCOs) updates to the following New Mexico Administrative Code (NMAC) sections:

- MAD is increasing the outside of the home community travel mileage from 65 miles to 120 miles.
 - NMAC will now read:
 - 8.324.7.15(B)(1) If a MAP eligible recipient must travel over 120 miles from his or her home community to receive medical or behavioral health care, the transportation provider must obtain and retain in its billing records written verification from the referring provider or the service provider.
 - 8.310.2.12(L)(12)(b) Preparation of referrals for travel outside the home community: If a MAP eligible recipient must travel over 120 miles from his or her home community to receive medical care, the transportation provider must obtain a written verification from the referring provider or from the service provider containing the following information for the provider to retain with their billing records.
- MAD is increasing the frequency requirement for obtaining referrals for continued out-of-community from six months to 12 months.
 - NMAC will now read:
 - 8.324.7.15(B)(2) Referrals and referral information must be obtained from a MAD provider. For continued out-of-community, non-emergency transportation, the required information must be obtained every twelve months.
- MAD is adding the following changes to implement contracting and reimbursement to NEMT companies as passed in the 2023 legislative session Senate Bill 485.
 - 8.324.7.10© Eligible Providers:

- Non-emergency transportation certified by the NMPRC, within those geographic regions in the state specifically authorized by the New Mexico Public Regulation Commission (NMPRC).
- vendors (taxicab, vans and other vehicles);
- certain bus services; and
- transportation network companies;
 - "transportation network company" means a corporation, partnership, sole proprietorship or other entity that is licensed pursuant to the Transportation Network Company Services Act and lawfully operating in New Mexico that uses a digital network, but which shall not be deemed to control, direct or manage the personal vehicles or transportation network company drivers that connect to its digital network except where agreed to by written contract, NM Stat § 65-7-2 (2016);
- "digital network" means an internet-supported application, software, program, website or system offered or utilized by a transportation network company that enables the prearrangement of transportation by passengers with transportation network company drivers.
- "prearranged ride" means transportation provided by a transportation network company driver, which shall be deemed to commence when a driver accepts a transportation request through a digital network and continue until all passengers have exited from the personal vehicle at the destination requested by the rider. "Prearranged ride" does not include shared-expense vanpool or carpool arrangements, or transportation provided using a taxicab, limousine or other vehicle for hire pursuant to the Motor Carrier Act [65-2A-1 through 65-2A-41 NMSA 1978];

MCO's are directed to implement changes associated with these instructions, including system changes and/or provider contract negotiations as needed no later than 60 days from the date of issuance of this directive. For any claims submitted on or after July 1, 2024 but not paid based on these parameters, the MCOs are directed to adjust payments retroactive to July 1, 2024. The deadline to reprocess claims is December 31, 2024.

This LOD will sunset upon inclusion in 8.324.7 NMAC and 8.310.2 NMAC.